

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

WINIFRED BLACKLEDGE,)
Plaintiff,)
v.)
ALABAMA DEPARTMENT OF MENTAL)
HEALTH AND MENTAL)
RETARDATION, and JOHN HOUSTON,)
in his official capacity as Commissioner,)
Defendants.)

Case No. 2:06 CV 321-ID

DEFENDANTS' AMENDED EXHIBIT LIST

Come now the Defendants, by and through their attorneys of record, Alabama Deputy Attorney General, Courtney Tarver, and Alabama Assistant Attorney General Rebecca Luck, and submit the following Defendants' Exhibit List describing documents Defendants intend to use during the trial of this case, as follows:

1. 12-5-02 E-mail from Susan Stuardi to Fordyce Mitchel. (Bate Stamped # 5438)
[We plan to convert that MHSW II to a MH Specialist II.]
2. 12-13-02 Memorandum from Susan Stuardi to Levi Harris. (Bate Stamped # 0462 – 0463)[Stuardi follows up on CSS III]
3. 12-16-02 Memorandum from Susan Stuardi to Levi Harris pushing for CSS IV.
(Bate Stamped # 0461)
4. 12-20-02 Memorandum from Susan Stuardi to Levi Harris pushing for OP Plan.
(Bate Stamped # 0460)

5. **E-mail dated 1-9-03 from Susan Stuardi to Joey Kreuter pushing for OP Plan.**
(Bate Stamped # 5439)
6. **1-21-03 E-mail from Susan Stuardi to Eranell McIntosh-Wilson pushing for CSS III. (Bate Stamped # 5440 – 5441)**
7. **2-11-03 E-mail from Susan Stuardi to Fordyce Mitchel pushing for CSS III.**
(Bate Stamped # 5442)
8. **10-16-03 Memorandum from Susan Stuardi to Fordyce Mitchel pushing for CSS III. (Bate Stamped # 0454)**
9. **10-28-03 Letter from Winifred Blackledge to Personnel pushing for CSS III.**
(Bate Stamped # 1765)
10. **Announcement dated 10-27-03. (Bate Stamped # 0389, 5371 & 5377)**
11. **List of applicants. (Bate Stamped # 0441)**
12. **Unqualified Applicants – Not Interviewed. Selected documents**
 - a. **Rebecca Aydelette. (No Masters Degree, Bate Stamped # 0421) (Caucasian female, Bate Stamped # 0422) (application, Bate Stamped # 0392 – 0395)**
 - b. **Donna Buckley. (No Masters Degree, Bate Stamped # 0418) (Caucasian female, Bate Stamped # 0419) (application, Bate Stamped # 0396 – 0399)**
 - c. **Tina Nettles. (No Masters Degree, Bate Stamped # 0412) (Black Female, Bate Stamped # 0413) (application, Bate Stamped # 0400 – 0404)**
 - d. **Yolanda Thomas. (No Masters Degree, Bate Stamped # 0415) (Black Female, Bate Stamped # 0416) (application, Bate Stamped # 0405 – 0411)**
 - e. **James Packer (Black Male, Bate Stamped # 0426) (Mr. Packer transferred to Partlow on 2-21-04, Bate Stamped #0889).**

13. Qualified Applicants – Interviewed. Selected documents

- a. Sherita Williams(Masters in Nursing, Bate Stamped # 1043) (Black Female, Bate Stamped # 0423)[Ms. Williams was transferred to Searcy on 1-04, Bate Stamped # 1002 and 0965 and 0966) as RNII. She received Notice of this appointment dated 1-8-04] (She also interviewed on 12-18-03 for the RN II position.) [Performance Appraisals 99 – Bate Stamped # 0920 & 0921; 00 - Bate Stamped # 0922 & 0923; 01 – Bate Stamped # 0924 & 0925; 02 – Bate Stamped # 0904 & 0905; 03 – Bate Stamped # 0908 & 0909]**
- b. Ed Aikens (Caucasian Male, Bate Stamped # 0425)**
- c. Kathi Allen (Masters in Psychology, Bate Stamped # 0470)(Caucasian Female, Bate Stamped # 0427) [On 1-20-04 she transferred to Partlow, Bate Stamped # 0589]; 3-5-04 was her last day, Bate Stamped # 0512; she found new employment, Bate Stamped # 0515] (application, Bate Stamped # 1751 – 1757) [Performance appraisals 99 – Bate Stamped # 0538 &0539; 00 – Bate Stamped #, 0535 & 0536; 01 – Bate Stamped # 0533 & 0534; 02 – Bate Stamped # 0530 & 0531; 03 – Bate Stamped # 0527 & 0528; 04 – Bate Stamped # 0521 & 0522].**
- d. Melissa Ezell (Masters of Science is Rehab, Bate Stamped # 1444 – 1445 & 1434)(Black Female, Bate Stamped # 0428) [On 1-20-04 she transferred to Partlow, Bate Stamped # 1336] (She resigned on 12-7-04, Bate Stamped # 1346) [Performance Appraisals 99 – Bate Stamped # 1318 & 1319; 00 – Bate Stamped # 1316 & 1317; 01 – Bate Stamped # 1313 & 1314; 02 – Bate Stamped # 1308 & 1309; 03 – Bate Stamped # 1304 & 1305]**

e. **Celestine Chappell (Caucasian Female, Bate Stamped # 0430) [Ms. Chappell took a Partlow position in 10-03, Bate Stamped # 1148 & 1176]; Nevertheless, she interviewed, but her job was no longer considered as “at risk.” She resigned on 10-3-03, Bate Stamped # 1202) for transfer. Later, on 10-5-04, she transferred to MR Community Services Montgomery, Bate Stamped # 01172) [Performance Appraisals 99 – Bate Stamped # 1123 & 1124; 00 – Bate Stamped # 1121 & 1122; 01 – Bate Stamped # 1119 & 1120; 02 – Bate Stamped # 1117 & 1118; 03 – Bate Stamped # 1115 & 1116; 04 – Bate Stamped # 1108 & 1109; 05 – Bate Stamped # 1102 & 1103]**

14. Mildred “Mickey” Groggel (Masters of Special Education, Bate Stamped # 1729 & 1730) Qualified & Successful Candidate (Caucasian Female, Bate Stamped # 0424) (application, Bate Stamped # 1758 – 1764) P & QA II, Bate Stamped # 1642 [Performance Appraisal 99 – Bate Stamped # 1601 & 1602; 00 – Bate Stamped # 1597 & 1598; 01 – Bate Stamped # 1588 & 1589; 02 – Bate Stamped # 1585 & 1586; 03 – Bate Stamped # 1582 & 1583; 04 – Bate Stamped # 1567 & 1568; 05 – Bate Stamped # 1561 & 1562; 06 – Bate Stamped # 1558 & 1559; 07 – Bate Stamped # 1553 & 1554]

15. Winifred Blackledge (Masters in Social Work, Bate Stamped # 3333); Application and Evaluation, Bate Stamped # 01765 – 01774. [Evaluations: 12-13-00, Bate Stamped # 5326 – 5327 & 3385 – 3386; 12-11-01, Bate Stamped # 3382 – 3383; 12-20-02, Bate Stamped # 5328 – 5329 & 3375 – 3376; 12-17-03, Bate Stamped # 5332 – 5333 & 3370 – 3371; 12-17-04, Bate Stamped # 3366 – 3367; 12-1-05, Bate Stamped # 5334 – 5335; 12-20-05, Bate Stamped # 4060 –

4061; 12-21-05, Bate Stamped # 3362 – 3363 & 3360-3361; 7-26-06, Bate Stamped # 3354-3359 & 3360 – 3361; 1-4-07, Bate Stamped # 3337-3351 & 4055 – 4057 & 5336 – 5337; 1-12-07, Bate Stamped # 5338 – 5339].

16. Interview Documents.

- a. Interview Questions. (Bate Stamped # 0451 – 0452)**
- b. Interview Scoring Sheets provided by Plaintiff. (Bate Stamped # 4129 – 4158)**
- c. Handwritten Scoring Grid. (Bate Stamped # 3766)**

17. Position Awarded.

- a. Memorandum dated 12-10-03 from Susan Stuardi to Henry Ervin. (Bate Stamped # 0446)**
- b. Plaintiff's Exhibit "T" dated 12-15-03 letter of notification.**

18. Audit.

- a. 12-17-03 Memorandum from Susan Stuardi to Winifred Blackledge regarding reallocation. (Bate Stamped # 5362, 5370, and 3541 – 3543)**
- b. 12-18-03 Memorandum from Winifred Blackledge to Susan Stuardi regarding Winifred Blackledge not wanting reallocation unless to MH Spec. II. (Bate Stamped # 3543)**
- c. 1-12-04 Memorandum from Winifred Blackledge to Susan Stuardi regarding Desk Audit Unacceptable. Also Claims that she is Performing as a CSS III and CSS IV. (Bate Stamped # 3719)**
- d. 1-15-04 Memorandum from Susan Stuardi to Winifred Blackledge requesting consideration of reallocation to CSS III or MH Specialist II. (Bate Stamped # 5356)**

- e. **1-16-04 Memorandum from Winifred Blackledge to Susan Stuardi stating that reallocation to CSS III will not resolve her complaint. . (Bate Stamped # 5355)**
- f. **2-6-04 Letter from Henry Ervin to Winifred Blackledge stating that her desk audit will be performed in the second week of March. (Bate Stamped # 3730 & 5368)**
- g. **Questions asked during the Desk Audit (by Marilyn Benson) by telephone (as noted by Winifred Blackledge) (Bate Stamped # 3546)**
- h. **4-5-04 Memorandum from Susan Stuardi to Winifred Blackledge with FES Audit Sheet(Bate Stamped # 3537)**
- i. **CLASSIFICATION APPEAL (Bate Stamped # 3544 – 3545; 3555 – 3562)**
- j. **4-14-04 Memorandum from Kathy Sawyer to June Lynn to conduct audit appeal hearing and report back. (Bate Stamped # 3572)**
- k. **Letter dated 4-21-04 from June Lynn to Winifred Blackledge setting hearing date of 5-18-04. (Bate Stamped # 3575 – 3578)**
- l. **Letter date 4-23-04 from Personnel to Winifred Blackledge notifying her that she needs to file a Witness List. (Bate Stamped # 3580)**
- m. **DMH/MR's Desk Audit Hearing Witness List dated 5-11-04. (Bate Stamped # 3579)**
- n. **3-18-05 June Lynn's Findings and Recommendations of Desk Audit Appeal. (Bate Stamped # 3513 – 3531)**
- o. **Commissioner's Order. (Bate Stamped # 3521 – 3522)**
- p. **Audit Standards. (Bate Stamped # 5274 – 5287)**

- q. Second Audit Performed by Marilyn Benson (Date Stamped # 5271 – 5273)
- 19. Consolidation Plan. (Date Stamped # 3635-3705)
- 20. Exempt Selection Procedure. (Date Stamped # 4806 – 4856)
- 21. Cultural Competency Plan. (Date Stamped # 4932 – 4944)
- 22. DMHMR Personnel Policies and Procedures -- Exempt Selection Procedure (Date Stamped # 4806 – 4856)
- 23. Alabama State Personnel Procedures Manual re: Appraisals (Date Stamped # 4276-4278 (2006); Date Stamped # 4459-60 (2004)).
- 24. State Personnel Board Rules on Evaluations. (Date Stamped # 4583)
- 25. Black applicants reports: 2002 – 2004 (Date Stamped # 3594, 3598, 3601, 3604, 3606 & 3613)
- 26. SPRING CONFERENCE
 - a. 3-9-06 and 3-10-06 Spring Conference Events (Date Stamped # 4025 & 4027 – 4030)
 - b. 3-13-06 Doctor's Excuse produced to Jerryln London on 4-12-06. (Date Stamped # 5169)
 - c. 3-27-06 Memorandum from Jerryln London to Winifred Blackledge (Date Stamped # 5172)
 - d. 4-12-06 Memorandum from Winifred Blackledge to Jerryln London. (Date Stamped # 35174)
 - e. 4-12-06 Memorandum from Jerryln London to Winifred Blackledge. (Date Stamped # 5167)
 - f. Approved Leave Slip (Date Stamped # 5346)

27. **4-21-06 Email from Kendra Butler to Winifred Blackledge regarding Failure to Sign in & Out. (Bate Stamped # 4057 and 4031 – 4032)**
28. **5-30-06 Butler notes regarding monitoring discussions (Bate Stamped # 5108 – 5127)**
29. **6-19-06 Memorandum from Kendra Butler to Winifred Blackledge regarding update list (Bate Stamped # 5132 or 5166)**
30. **8-28-06 E-mail from Kendra Butler to Winifred Blackledge (Bate Stamped # 5135)**
31. **9-19-06 Memorandum from Kendra Butler to Winifred Blackledge regarding Flex time. (Bate Stamped # 5136)**
32. **10-31-06 Kendra Butler notes regarding comp time vs. flex discussion (Bate Stamped # 5138 – 5141)**
33. **10-19-06 Memorandum from Kendra Butler to Winifred Blackledge (Bate Stamped # 5145) Use flex when monitoring. See Policy 60-56 (Bate Stamped # 5160, 5245 – 5246, 5247 – 5248, 5249 – 5251)**
34. **1-4-07 Memorandum from Kendra Butler to Winifred Blackledge regarding Left early (3:15) (Bate Stamped # 5157)**
35. **1-4-07 Memorandum from Kendra Butler to Winifred Blackledge regarding leaving 15 minutes before the sign out time. (Bate Stamped # 5254)**
36. **1-4-07 Memorandum from Kendra Butler to Winifred Blackledge regarding discussing the lower performance evaluation scores. (Bate Stamped # 5253)**
37. **1-4-07 Memorandum from Kendra Butler to Winifred Blackledge regarding lower performance scores. (Bate Stamped # 5149)**

38. **1-5-07 Memorandum from Kendra Butler to Winifred Blackledge regarding state personnel legal says appraisal is based on performance. (Bate Stamped # 5152)**
39. **6-19-06 Memorandum from Kendra Butler to Winifred Blackledge regarding Winifred Blackledge's Monitoring responsibilities. (Bate Stamped # 5132 or 5166)**
40. **1-12-07 Memorandum from Kendra Butler to Winifred Blackledge confirming Performance Evaluation events. (Bate Stamped # 5147) And explaining job evaluation in detail. (Bate Stamped # 5153-5154)**
41. **1-17-07 Memorandum from Kendra Butler to Eranell McIntosh-Wilson forwarding her response to Ms. Blackledge's attachment to the performance appraisal. (Bate Stamped # 4013 – 4015)**
42. **Announcement. (Bate Stamped # 0001 – 0002)**
43. **Essential Job Functions. (Bate Stamped # 0175)**
44. **Applications with Attachments
 - a. Winifred Blackledge. (Bate Stamped # 0129 – 0138)
 - b. Daphne Rosalis. (Bate Stamped # 0087 – 0102)**
45. **Interview Scores. (Bate Stamped # 0021)**
46. **Appointment Letter dated 11-13-02. [Effective 11-18-02] (Bate Stamped # 0069 – 0070)**
47. **Announcement. (Bate Stamped # 1469 – 1470)**
48. **Essential Job Functions. (Bate Stamped # 1532)**
49. **Applications with attachments**

a. **Winifred Blackledge. (Date Stamped # 1474 – 1482)**

b. **Mickey Groggel. (Date Stamped # 1483 – 1489)**

Mickey's history of positions at DMHMR include: P & QA II (Date Stamped # 1642); P & QA III (Date Stamped # 16471 & 1642); P & QA IV (Date Stamped # 1726); Hab TX Cord IV (Date Stamped # 1677); Administrator IV (Date Stamped # 1675 & 1611); Director of Program Services (Date Stamped # 1608)

50. Questions. (Date Stamped # 1501 – 1503)

51. Interview Scores. (Date Stamped # 1491)

52. Appointment Letter dated 4-28-04. (effective 4-17-04) (Date Stamped # 1490)

53. Significant EEOC Letters and filings.

54. Medical Records of Winifred Blackledge from Dr. Susan A. Blanchard, M. D.'s office, as produced by Plaintiff's Counsel.

55. Pharmaceutical information regarding Klonopin.

56. Pharmaceutical information regarding Bellamine.

57. Deposition of Susan Stuardi. (Plaintiff has Original or Copies of Deposition)

58. Deposition of Kendra Butler. (Plaintiff has Original or Copies of Deposition)

59. Deposition of Henry Ervin. (Plaintiff has Original or Copies of Deposition)

60. Deposition of Fordyce Mitchel. (Plaintiff has Original or Copies of Deposition)

61. Deposition of Eranell McIntosh-Wilson. (Plaintiff has Original or Copies of Deposition)

62. Deposition of Jerryln London. (Plaintiff has Original or Copies of Deposition)

63. Deposition of Winifred Blackledge and continuation. (Plaintiff has Original or Copies of Deposition)

- 64. Any and all exhibits needed for rebuttal.**
- 65. Any and all Documents or Materials which may be used for impeachment purposes.**
- 66. Any and all documents or materials attached as exhibits to any deposition taken in this matter.**
- 67. Any and all documents listed by the Plaintiff's and not objected to by the Defendants.**
- 68. Defendant's reserves the right to amend or supplement this exhibit list.**

Respectfully submitted this, the 9th day of October, 2007.

TROY KING
ATTORNEY GENERAL

s/ Courtney W. Tarver
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing DEFENDANTS' AMENDED EXHIBIT LIST has been served by placing a true and correct copy thereof in the United States Mail, postage prepaid and properly addressed to the following on this the 9th day of October, 2007.

Rocco Calamus, Esq.
Joshua D. Wilson, Esq.
Benjamin J. DeGweck, Esq.
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s/ Courtney W. Tarver
Courtney W. Tarver